UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,143	06/25/2001	Peter Kamvysselis	EMS-01701	8831

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PATENT GROUP
CHOATE, HALL & STEWART
EXCHANGE PLACE, 53 STATE STREET
BOSTON, MA 02109

EXAMINER
TANG, KENNETH

ART UNIT	PAPER NUMBER
2195	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/891,143	KAMVYSSELIS ET AL.
	Examiner	Art Unit
	Kenneth Tang	2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _24 January 2005_.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-9 and 17-27_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-9 and 17-27_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some *   c) ☐ None of:

     1. ☐ Certified copies of the priority documents have been received.

     2. ☐ Certified copies of the priority documents have been received in Application No. _____.

     3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 1-04)   Office Action Summary   Part of Paper No./Mail Date 04162005

DETAILED ACTION

1.   This action is in response to the Amendment filed on 1/24/05. Applicant's arguments

have been fully considered but are not found to be persuasive.

2.   Claims 1-9 and 17-27 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claims 1-9 and 17-27 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention:

      a.   The following claim language is indefinite:

            i.   In claim 1, "a device associated with the communication device" (line 5)

is indefinite because it is not made explicitly clear in the claim language whether

this is the same as "a device associated with the communication device" (line 1)

or if a new device associated with a communication device is being introduced.

            ii.   In claim 1, "device records" and "job records" are indefinite because it is

not made explicitly clear in the claim whether these are associated with the

"device" or the "communication device", or to both.

            iii.   Claim 17 is rejected for the same indefinite reasons as stated in the

rejection of claim 1 above.

iv.   Claim 23 is rejected for the same indefinite reasons as stated in the rejection of claim 7 above.

v.   In claim 26, "a first communication device" and "a second communication device" is indefinite because it is unclear in the claim language whether this is the same thing as the device in line 2 of claim 7. A "first communication device" is a device but it may appear to be a different device, for example. Also, independent claim 7 introduces only one device but dependent claim 26 talks about two more devices, and it is unclear in the claim language.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   **Claims 1, 5-7, 17, 21-23, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poublan et al. (hereinafter Poublan) (US 4,104,718).**

2.   As to claim 1, Poublan teaches a method of providing multiple jobs for a device associated with a communication device *(col. 1, lines 34-44)*, comprising:

providing a plurality of device records (files), wherein each of the device records corresponds to a device associated with the communication device *(col. 9, lines 14-19, col. 56, lines 35-55)*;

providing a plurality of job records for at least one of the device records, wherein each of

the job records contains at least some information *(col. 40, lines 1-19)*; and

linking (pointer) the job records and the corresponding device record so that any one of

the job records may be accessed by first accessing the corresponding one of the device records

(col. 41, lines 43-45).

3.   Poublan fails to explicitly teach that the job records contain information that is also

provided in the corresponding one of the device records. However, it would have been obvious

to one of ordinary skill in the art to have the job records contain information that is also provided

(common) in the corresponding one of the device records because it would justify the job record

belonging within the device record.

4.   As to claim 5, Poublan teaches wherein at least one of the device records includes a

pointer to one of the job records corresponding to an active job *(col. 12, lines 43-51 and col. 50,

lines 13-25)*.

5.   As to claim 6, Poublan fails to explicitly teach wherein each of the job records includes

information not found in other ones of the job records. However, it would have been obvious to

one of ordinary skill in the art to combine the feature of job records including information not

found in other ones of the job records because this prevents grouping uncommon information

together in a job record, which increases organization.

6.   As to claim 7, it is rejected for the same reasons as stated in the rejection of claim 1. In

addition, Poublan teaches having identification for the pointers *(col. 10, lines 65-68 through col.*

11, lines 1-13).

7.   As to claim 17, it is rejected for the same reasons as stated in the rejection of claim 1.

8.   As to claims 21-23, they are rejected for the same reasons as stated in the rejection of

claims 5-7.

9.   As to claim 26, Poublan teaches wherein the link id is used by a first communication

device on a first data storage system and a second communication device on a second data

storage system in connection with identifying said each job associated with the link id, said

second data storage system including the device and said each job *(col. 1, lines 34-44, etc.).*

As to claim 27, Poublan teaches wherein the device and the communication device are included

in a remote data storage system which communicates with a local data storage system including

another communication device, a request from said local data storage system using said other

communication device causing creation of one of said job records in said remote data storage

system *(col. 9, lines 14-19, col. 56, lines 35-55, col. 40, lines 1-19, col. 41, lines 43-45col. 1,*

lines 34-44).

10.   **Claims 2-4, 8-9, 18-20, and 24-25 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Poublan et al. (hereinafter Poublan) (US 4,104,718) in view of James (US

6,035,376).

11.   As to claim 2, Poublan teaches using pointers to link device records and job records (see

rejection of claim 1). Poublan fails to explicitly teach providing one of a plurality of shared

pointers in each of the job records and the corresponding one of the device records, wherein all

of the shared pointers point to the corresponding one of the device records. However, James

teaches using shared pointers, which increases efficiency by saving from using multiple copies

(col. 4, lines 52-56 and col. 6, lines 13-16). It would have been obvious to one of ordinary skill

in the art at the time the invention was made to combine the feature of shared pointers to

Poublan's device communication system which also uses pointers in order to gain the benefit

described above.

12.   As to claim 3, Poublan fails to explicitly teach wherein linking the job records includes

providing a forward pointer and a backward pointer for each of the job records. However, James

teaches using a forward pointer and a backwards pointer for each job fields of records in oder to

provide the advantage of allowing the data to be transferred immediately when it is available. It

would have been obvious to one of ordinary skill in the art at the time the invention was made to

combine the feature of using forward pointers and a backward pointers to Poublan's device

communication system which also uses pointers in order to gain the benefit described above.

13.   As to claim 4, Poublan teaches wherein linking the job records also includes providing a

pointer to one of the job records in the corresponding one of the device records *(col. 41, lines 43-*

45).

14.   As to claim 8, it is rejected for the same reasons as stated in the rejection of claim 2. In

addition, Poublan teaches finding a free element on a job record array *(col. 3, lines 53-56)*,

copying constants from the device record to each of the job records *(col. 18, lines 45-51)*;

initializing job specific data for each of the job records *(col. 39, lines 30-65)*; setting pointers for

each of the job records *(col. 41, lines 43-45)*; and incrementing a job counter by one for each of

the job records *(col. 49, lines 26-27, col. 40, line 34)*.

15.   As to claim 9, Poublan teaches wherein finding a free element on a job record array

includes determining if a free element exists and if a free element does not exist, posting an error

(col. 33, lines 37-52).

16.   As to claims 18-20, they are rejected for the same reasons as stated in the rejection of

claims 2-4.

17.   As to claims 24-25, they are rejected for the same reasons as stated in the rejection of

claims 8-9.

Response to Arguments

18.   Applicant's amendment has overcome all 35 USC 112 2nd paragraph rejections except for

claim 1. Applicant does not traverse or even address the indefinite rejections. The amendment

does not overcome the rejection made.

*19.   Applicant argues on page 16 regarding the rejection of claim 1 in that Poublon does not
teach the step of providing a plurality of job records for at least one of the device records,
wherein each of the job records contains at least some information that is also provided in the
corresponding one of the device records.*

In response, the Examiner respectfully disagrees. In col. 40, lines 1-19, Poublon

discloses a device with device records (files). Also, within a device record (file) a job record

(subfile). During patent examination, the pending claims must be "given their broadest

reasonable interpretation consistent with the specification." *In re Hyatt*, 211 F.3d 1367, 1372, 54

USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims

during prosecution, and broad interpretation by the examiner reduces the possibility that the

claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 415 F.2d

1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

*20.   Applicant argues on page 16 regarding the rejection of claim 1 in that Poublon does not
teach the step of linking the job records and the corresponding device record so that any one of
the job records may be accessed by first accessing the corresponding one of the device records.*

Job records are accessed with pointers. It is inherent that files (device records) and their

respective subfiles (job records) are linked together (see argument above).

*21.   Applicant argues on page 17 regarding the rejection of claim 1 that it is not obvious to
include a common portion of information in both a device record and each job record.*

Again, as mentioned above, the broadest reasonable interpretation of the claim language

reads on device records being merely "files", while the job records are merely their "subfiles".

One of ordinary skill in the art would know that a subfile is part of a file. This means that the

common portion that the file shares with the subfile is the portion of the subfile.

22.   Applicant makes the same argument for the rejection of claim 17 as in claim 1 (on page

17).

Applicant is referred to the response to the argument made above.

23.   Applicant argues on page 18 regarding the rejection of claim 7 that Poublon appears
silent with regard to any disclosure or suggestion of remotely accessing device information, and
creating jobs related to tasks associated with the remotely accessing of device information.

In response, the Examiner respectfully disagrees. Poublon teaches the devices as being

peripheral devices with communication terminals *(col. 1, lines 34-45, for example)*.

24.   Applicant argues on page 18 regarding the rejection of claim 7 that Poublon appears
silent regard to any suggestion of a link id that uniquely identifies I/O operations for the job.

Poublon teaches a computer system that executes jobs like all other computer systems. It

is inherent to have a unique identifier to identify operations because something has to be

identified before that something is to be executed. There is nothing novel about this feature.

25.   Applicant makes the same argument for the rejection of claim 23 as in claim 7 (on page

18).

Applicant is referred to the response to the argument made above.

26.   Applicant argues on pages 20-22 regarding the rejections of claims 1, 7, 17, and 23 with respects to the combination of James with Poublan.

In response, rejections of claim 1, 7, 17, and 23 consisted of rejections only based on Poublan. Claims 2-4, 8-9, 18-20, and 24-25 were rejected based on the combination of Poublan and James. James teaches using shared pointers, which increases efficiency by saving from using multiple copies *(col. 4, lines 52-56 and col. 6, lines 13-16)*. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the feature of shared pointers to Poublan's device communication system which also uses pointers in order to gain the benefit described above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Kenneth Tang whose telephone number is (571) 272-3772. The
examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the
organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published applications
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LEWIS A. BULLOCK, JR.
PRIMARY EXAMINER

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4/16/05